

**CIVIL CASE NO. 1:13cv29**

**Defendant.**

## ORDER OF DISMISSAL

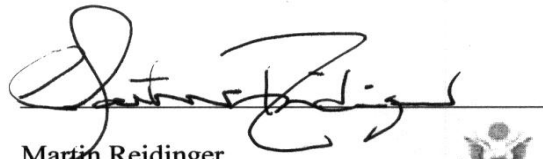
<sup>1</sup> Counsel incorporated a memorandum of law into the Motion to Dismiss. [Doc. 2]. For future reference, the Local Rules require the filing of a separate brief in support of the motion. L.Civ.R. 7.1.

that the Decedent died from a self-inflicted gunshot wound; that is, suicide. [Doc. 1-1 at 3, 8, 9, 13, 14]. It is also undisputed that the insurance policy was for an accidental death benefit and that the policy contained an exclusion for death by suicide. [Doc. 1-1 at 8].

On February 8, 2013, the Defendant moved to dismiss the action for failure to state a claim upon which relief may be granted, citing the exclusionary provision of the accidental death benefit policy for suicide. [Doc. 2]. The Plaintiff, who is represented by counsel, failed to file any response to the motion. The Court finds that the motion should be granted.

**IT IS, THEREFORE, ORDERED** that the Defendant Athene Annuity & Life Assurance Company's Motion to Dismiss [Doc. 2] and Motion to Grant its Uncontested Motion to Dismiss [Doc. 3] are hereby **GRANTED** and this action is hereby **DISMISSED**.

Signed: February 27, 2013

  
Martin Reidinger  
United States District Judge

